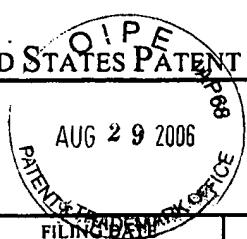




UNITED STATES PATENT AND TRADEMARK OFFICE



Box Seq
1 Jpw

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/518,223 | 12/15/2004 | Ning Man Cheng | B001.001.NPRUS | 7018 |
| 56374 | 7590 | 08/10/2006 | | |

EAGLE IP LIMITED
UNIT 1201, 12/F KWAI HUNG HOLDINGS CENTRE
89 KING'S ROAD, NORTH POINT
HONG KONG,
CHINA

| | |
|--------------------------|--------------|
| EXAMINER | |
| CHOWDHURY, IQBAL HOSSAIN | |
| ART UNIT | PAPER NUMBER |
| 1652 | |

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|--|-------------------------------|------------------------------|--|
| Notice to Comply | Application No. 10/518,223 | Applicant(s) Cheng et al. | |
| | Examiner Iqbal Chowdhury | Art Unit 1652 | |
| NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES | | | |
| <p>Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).</p> <p>The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):</p> | | | |
| <p><input type="checkbox"/> 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).</p> <p><input type="checkbox"/> 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).</p> <p><input type="checkbox"/> 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).</p> <p><input type="checkbox"/> 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."</p> <p><input type="checkbox"/> 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).</p> <p><input checked="" type="checkbox"/> 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).</p> <p><input type="checkbox"/> 7. Other: the claims include sequences greater than 4 amino acids that do not have a SEQ ID NO.</p> <p>Applicant Must Provide:</p> <p><input type="checkbox"/> An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".</p> <p><input type="checkbox"/> An initial or substitute paper copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application.</p> <p><input checked="" type="checkbox"/> A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).</p> | | | |
| <p>For questions regarding compliance to these requirements, please contact:</p> <p>For Rules Interpretation, call (703) 308-4216 or (703) 308-2923</p> <p>For CRF Submission Help, call (703) 308-4212 or 308-2923</p> <p>PatentIn Software Program Support</p> <p>Technical Assistance.....703-287-0200</p> <p>To Purchase PatentIn Software.....703-306-2600</p> | | | |
| <p>PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY</p> | | | |



UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 29 2006

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

| | | | |
|---|--------------------------|---|---------------------------------------|
| APPLICATION NO./CONTROL NO. 10/518,223 | FILING DATE 2/15/2004 | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION Cheng, Ning Man | ATTORNEY DOCKET NO. ELLAHK5.001APC |
|---|--------------------------|---|---------------------------------------|

EXAMINER

Chowdhury, Iqbal H

ART UNIT

PAPER

1652

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth below or on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. The computer readable format of the sequence listing has only 8 sequences (SEQ ID NO: 1 to SEQ ID NO: 8), while the paper copy filed on 6/19/2006 has 9 sequences.

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Iqbal Chowdhury whose telephone number is (571) 272-8137. The examiner can normally be reached on Monday-Friday from 9:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathupu Achutamurthy can be reached on 703-272-0928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully,

Iqbal Chowdhury, PhD, Patent Examiner
Art Unit 1652 (Recombinant Enzymes)
US Patent and Trademark Ofic
Rm. REM 2B69, Mail Box. 2C70
Ph. (571)-272-8137, Fax. (571)-273-8137

Tekchand Saidha
TEKCHAND SAIDHA
PRIMARY EXAMINER

IC



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Paul N M Cheng, Thomas W H Lo, Thomas Y C Leung

Application No.: **US10/518223**

Art Unit: **1652**

Filed on: **15 Dec 2004**

Examiner: **CHOWDHURY, Iqbal Hossain**

For: **Pharmaceutical Preparation and Method of Treatment of Human Malignancies with Arginine Deprivation**

Mail Stop Missing Parts

Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

RESPONSE TO NOTICE TO COMPLY

Dear Sir:

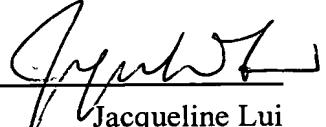
In response to the Notice to Comply mailed August 10 2006, enclosed herewith, in accordance with 37 C.F.R. §1.821-1.825, are (1) a paper copy of the Sequence Listing and (2) a computer readable disk containing the Sequence Listing. Applicants respectfully request that the Sequence Listing filed herewith be entered into the present application. Our record shows that the sequences listed in the present Sequence Listing were included in the application and/or drawings as originally filed. The present Sequence Listing does not include new matter. The paper copy and the computer readable format of the sequence listing filed herewith contain 9 sequences (SEQ ID NO: 1 to SEQ ID NO:9). We have only amended the attorney docket number in the listing.

The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment, to Deposit Account No. **503695**

Respectfully submitted,

Eagle IP Limited

By:



Jacqueline Lui

Registration No. 44,214

Customer No. 56374



TRANSMITTAL LETTER

Application Number : US10/518223
Filing Date : 15 Dec 2004
First Named Inventor : Paul N M Cheng, Thomas W H Lo, Thomas Y C Leung
Art Unit : 1652
Examiner Name : CHOWDHURY, Iqbal Hossain
Attorney Docket Number : B001.001.NPRUS

23 Aug 2006

Dear Sir,

In response to the Notice to Comply, which was mailed by the Office on 10 August 2006, we enclose herewith the following:

| | | |
|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Response to Restriction Requirement |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Petition | <input type="checkbox"/> Response to non-final OA |
| <input type="checkbox"/> Amendment / Reply | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Response to Final OA |
| <input type="checkbox"/> After Final | Change of Correspondence Address | <input type="checkbox"/> Amended specification |
| <input type="checkbox"/> Affidavits/declarations | <input type="checkbox"/> Terminal Disclaimer | <input type="checkbox"/> Claims (Page.) |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Request for Refund | <input type="checkbox"/> Descriptions (Page.) |
| <input type="checkbox"/> Express Abandonment Request | <input checked="" type="checkbox"/> CD, Number of CD(s) <u>ONE</u> | <input type="checkbox"/> Drawings (Page.) |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Landscape Table on CD | <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify |
| <input type="checkbox"/> Certified Copy of Priority Document (s) | | below): A copy of the Notice to Comply, |
| <input type="checkbox"/> Reply to Missing Parts / Incomplete Application | | Sequence Listing Statement, Response to |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | | Notice to Comply, A paper copy of Sequence Listing |
| | | Remarks |
| | | |

The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment, to Deposit Account No.

503695

Yours sincerely,

Jacqueline Lui

Registration No. 44,214

Customer No. 56374

EAGLE IP LIMITED